

TITLE 326 AIR POLLUTION CONTROL BOARD

IDEM'S SUGGESTED CHANGES TO PROPOSED RULE 326 IAC 5-1, OPACITY RULE AMENDMENTS

LSA Document #98-69

Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a)(2)) and incorporated into the printed version (LSA Document #98-69) have been made in the version of this rule presented to the board for final adoption.

1. 326 IAC 5-1-2(1)(A)
 Insert hyphen after “(6)” and before “minute”.
 Insert “block” after “minute” and before “averaging”.
2. 326 IAC 5-1-2(1)(B)
 Insert hyphen after “(1)” and before “minute”.
 Insert “non-overlapping” after “minute” and before “integrated”.
3. 326 IAC 5-1-2(2)(A)
 Insert hyphen after “(6)” and before “minute”.
 Insert “block” after “minute” and before “averaging”.
4. 326 IAC 5-1-2(2)(B)
 Insert hyphen after “(6)” and before “minute”.
 Insert “block” after “minute” and before “averaging”.
5. 326 IAC 5-1-2(2)(C)
 Insert hyphen after “(1)” and before “minute”.
 Insert “non-overlapping” after “minute” and before “integrated”.
6. 326 IAC 5-1-2(3)
 Insert hyphen after “(6)” and before “minute” in both the first and second sentence.
 Insert “block” after “minute” and before “averaging” in both the first and second sentence.
7. 326 IAC 5-1-2
 Delete “and Federal Register (FR)”
8. 326 IAC 5-1-3(a)

Delete (d), and insert (e),.

Insert hyphen after “(6)” and before “minute” in second and third sentence.

Insert “block” after “minute” and before “averaging” in second and third sentence.

9. 326 IAC 5-1-3(b)

Delete (d), and insert (e),.

Insert hyphen after “(6)” and before “minute” in first and second sentences.

Insert “block” after “minute” and before “averaging” in first and second sentences.

10. 326 IAC 5-1-3(c)

Insert “temporary” before “alternative opacity limit” in each place in the first sentence.

Delete “and” between (a) and (b) and insert “or” between (a) and (b) in both places in the first sentence.

Insert “are” after “and” and before “not”.

Insert “ or when removing ashes from the fuel bed or furnace in a boiler or blowing tubes” after “shutdown” and before “owners”.

Insert commas after “facility” and “equipment”.

Delete “exemption.” at end of last sentence and insert “alternative opacity limitation.”

11. 326 IAC 5-1-3(d)(1)

Insert “The commissioner may approve a temporary alternative opacity limitation based on the combustion of other types of fuels as long as the source demonstrates that the combustion of the fuel is necessary, alternative fuels are not available or cost-efficient, and the fuels are identified in the submittal to the U.S. EPA required under section 7 of this rule.” after clause (E).

12. 326 IAC 5-1-3(d)(2)

Delete “such exemption” and insert “the temporary alternative opacity limitation” after “demonstrates that”.

Insert “ or when removing ashes from the fuel bed or furnace in a boiler or blowing tubes” after “shutdown” and before “by”.

13. 326 IAC 5-1-3(d)(2)(A)

Delete “state implementation plan” and “()” in second sentence.

14. 326 IAC 5-1-3(d)(2)(B)

Insert “ or when removing ashes from the fuel bed or furnace in a boiler or blowing tubes” after “shutdown” and before “the”.

15. 326 IAC 5-1-3(d)(2)(C)(ii)

Delete “frequency and” after “the” and before “duration”.

16. 326 IAC 5-1-3(d)(2)(D)

Delete “appropriate” and insert “applicable”.

Insert “under section 2 of this rule” at end of clause.

17. 326 IAC 5-1-3(d)(4)

Insert “The requirement to install a certified opacity emissions monitor shall be based on, but not limited to, the type and size of the emission unit, the normal operating schedule, normal operating conditions, the availability of alternative monitoring methods, and other relevant site-specific information.” at the end of clause (A).

18. 326 IAC 5-1-3(d)(5)

Delete “but without” and insert “that do not have”.

19. 326 IAC 5-1-3(d)(6)(A)

Insert “under this subsection” after “limit” and before “to”.

20. 326 IAC 5-1-3(d)(6)(B)

Delete “economical” and insert “economically”.

21. 326 IAC 5-1-3(d)(7)

Insert “shall be” after “source”.

Delete the last sentence, “After U.S. EPA approval, the temporary alternative opacity limit shall be incorporated by amendment into the source’s operating permit.”

22. 326 IAC 5-1-3(e)

Insert subsection (e) as follows:

“(e) Notwithstanding the provisions in subsections (a) through (d), this subsection applies to sources existing on the effective date of this rule located in counties other than Lake County. If, on the effective date of this rule, an existing source has different startup and shutdown conditions from those in subsection (a) or (b) in a valid operating permit, those conditions shall remain in effect until the department issues a final, effective Part 70 operating permit under 326 IAC 2-7 or a final, effective federally enforceable state operating permit under 326 IAC 2-8 for the source that does one (1) of the following:

(1) Makes the startup and shutdown conditions consistent with subsection (a) or (b).

(2) Incorporates startup and shutdown conditions that are at least as stringent as those conditions in the operating permit in effect as of the effective date of this rule. The conditions shall not be less stringent than the following:

(A) During the startup of the following equipment burning fuels identified

in subdivision (d)(1):

(i) For equipment that is equipped with baghouses or electrostatic precipitators, the opacity limitation in section 2 shall not apply until the exhaust gases have achieved a temperature of two hundred fifty degrees Fahrenheit (250° F) at the inlet of the baghouses or electrostatic precipitators.

(ii) For equipment that is either uncontrolled or that is equipped solely with mechanical collectors (including mechanical collectors that are equipped with sidestream separators or similar devices) for the control of particulate emissions, the opacity limitation in section 2 shall not apply for a period of not more than three (3) hours from the moment of startup.

(B) During the shutdown of the following equipment burning fuels identified in subdivision (d)(1):

(i) For equipment that is equipped with baghouses or electrostatic precipitators, the opacity limitation in section 2 shall not apply after the exhaust gases have dropped below temperature of two hundred fifty degrees Fahrenheit (250° F) at the inlet of the baghouses or electrostatic precipitators.

(ii) For equipment that is either uncontrolled or that is equipped solely with mechanical collectors (including mechanical collectors that are equipped with sidestream separators or similar devices) for the control of particulate emissions, the opacity limitation in section 2 shall not apply for a period of not more than three (3) hours from the moment of shutdown.

The source shall include with a permit application, permit revision application, permit renewal application, or a supplement to such application, documentation including, but not limited to, historical opacity information during periods of startup and shutdown and other pertinent information and proposed permit conditions that limit the duration and extent of excess emissions to the greatest extent practicable. The commissioner shall incorporate permit conditions that are necessary for safe and proper operation of equipment and minimize the duration and extent of excess emissions. Such conditions may be more stringent than the operating permit conditions in effect as of the effective date of this rule.

(3) Provides an alternative temporary opacity limit.

If the source requests an alternative temporary opacity limit, the source shall demonstrate that the alternative limit is needed and justifiable in accordance with subsection (d)(2) through (d)(7).

23. 326 IAC 5-1-4(b)
Insert “This subsection applies” at the beginning of the subsection.
Insert “If the conflict occurs, the commissioner may require that the source perform an audit on the opacity monitoring system consistent with 326 IAC 3-5-2(7)(B).” in between the first and second sentences.
Insert “After reviewing the results of the audit,” before “enforcement action”.
Insert “or the opacity readings obtained under subsection (a)(2)” after “under subsection (a)(1)” at the end of the second to last sentence.
24. 326 IAC 5-1-4
Delete “and Federal Register (FR)” at the end of the section.
25. 326 IAC 5-1-5(b)(1)
Delete “with” and insert “, and” after “commissioner”.
Insert “submitted” after “a copy”
Delete “and” after “test date” and begin new sentence with “The petition must”
26. 326 IAC 5-1-5(b)(3)
Delete subdivision (3) and renumber remaining subdivisions.
27. 326 IAC 5-1-5(b)(3)
Insert “, unless other arrangements are made in advance of the start of the testing that will allow the testing to proceed without agency staff present to observe the tests.” at the end of the subdivision.
28. 326 IAC 5-1-5(b)(4)(E)
Delete “at identical” and insert “under reasonably similiar”.
29. 326 IAC 5-1-5
Delete “and Federal Register (FR)” at the end of the section.
30. 326 IAC 5-1-7
Remove strikeouts and reinsert language “section 3(c)” “3(d) or section 5(b) of” and “a SIP revision and shall not become effective until approved as a SIP revision by the U.S. EPA.” Delete the bold language at the end of the section beginning with the word “following:”.